UNITED STATES PATENT AND TRADEMARK OFFICE

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DICKSTEIN SHAPIRO LLP	ROSEN, NICHOLAS D	
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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/791,874	HASHIMOTO ET AL.
	Examiner	Art Unit	
	Nicholas D. Rosen	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 August 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-30</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-7 and 9-30</u> is/are rejected.

7)☒ Claim(s) <u>8</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>02 August 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All   b)☐ Some *   c)☐ None of:

   1.☒ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>8/2/2004</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claims 1-30 have been examined.

Claim Objections

Claim 4 is objected to because of the following informalities: In the fourth line of claim 4, "related with" should be "related to". Appropriate correction is required.

Claim 8 is objected to because of the following informalities: In the second line of claim 8, there should be a colon after "wherein"; the third and fifth lines should have semicolons instead of commas after "lecturers". Appropriate correction is required.

Claims 9-11 and 14 are objected to because of the following informalities: In the sixth line of claim 9, "related with" should be "related to". Appropriate correction is required.

Claim 18 is objected to because of the following informalities: In the fourth line of claim 18, "contents that is" should be "contents that are". Appropriate correction is required.

Claim 23 is objected to because of the following informalities: In the fifth line of claim 23, "related with" should be "related to". Appropriate correction is required.

Claim 30 is objected to because of the following informalities: In the ninth line of claim 30, "relation" should be either "a relation" or "relations". Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 28 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 28 recites a computer program *per se*, which is not a process, machine, manufacture, or composition of matter, and is therefore not patentable. A computer readable medium storing a computer program (as in claim 29) is an article of manufacture, and is therefore potentially patentable.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

Claims 1-7, 9-22, 27, 28, and 29

Claims 1, 2, 3, 4, 5, 9, 12, 16, and 18; and 27, 28, and 29 are rejected under 35

U.S.C. 103(a) as being unpatentable over Liongosari (U.S. Patent 6,957,205) in view of

Gutierrez et al. (U.S. Patent Application Publication 2003/0046276). As per claim 1,

Liongosari discloses a contents management apparatus that manages contents

including a plurality of contents elements representing information to be provided to a

user, comprising: a contents request acquiring unit that acquires contents request

information from the user (column 13, line 65, through column 14, line 14); a contents

element extracting unit that extracts the contents elements (column 12, lines 6-15;

column 14, lines 26-37); and a contents restructuring unit that restructures new contents

from the contents elements extracted (column 12, lines 6-15; column 14, lines 26-37).

Liongosari does not disclose that the contents element extracting unit extracts the

contents elements when the contents request information is acquired, but it is well

known to extract content based on contents request information in response to

acquiring contents request information, as taught, for example, by Gutierrez (Abstract

and paragraph [0018]). Hence, it would have been obvious to one of ordinary skill in the

art of electronic commerce at the time of applicant's invention to extract the contents

based on the request, for the obvious advantage, as in Gutierrez, of extracting the

contents information in which a user is interested.

As per claims 27, 28, and 29, these are parallel to claim 1, and rejected on essentially the same grounds. Note further that Liongosari discloses a computer program and a medium storing the program (see claim 10 of Liongosari).

As per claim 2, Liongosari discloses that the contents element extracting unit extracts the contents elements from a plurality of different contents (Figures 2 and 3; column 11, line 56, through column 12, line 15; column 12, line 42, through column 13, line 7; column 13, line 65, through column 14, line 7).

As per claim 3, Liongosari discloses a contents storage unit that stores the contents, wherein the contents element extracting unit extracts the contents elements from the contents stored in the contents storage unit (Figures 2 and 3; column 11, line 56, through column 12, line 15).

As per claim 4, Liongosari does not disclose that the contents storage unit stores the contents elements in association with contents relevant information that is related with the contents elements, and the contents element extracting unit extracts the contents elements based on the contents relevant information, but Gutierrez discloses storing contents elements in association with contents relevant information that is related with the contents elements, and extracting contents elements based on the contents relevant information (paragraphs 8, 9, 46, and 50). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to thus utilize contents relevant information, for at least the stated advantage of ordering items likely to be more relevant to a user's search toward the top of a response list provided to the user.

As per claim 5, Liongosari discloses that the contents storage unit stores the contents elements in association with a genre of the contents elements, and the contents element extracting unit extracts the elements based on the genres (column 12, line 48, through column line 25).

As per claim 9, Liongosari discloses acquiring user identification information that acquires user identification information for identifying the user to be provided with the contents (column 15, lines 19-46), and discloses the contents element extracting unit extracting the contents elements based on user relevant information (column 13, line 65, through column 14, line 14). Liongosari does not expressly disclose extracting the contents elements based on user relevant information that is related with the user identification information acquired, but this is obvious for at least the advantage of transmitting notices of updated information to the user who requested them without clogging the in boxes of, potentially, many other users with different interests.

As per claim 12, Liongosari discloses extracting contents elements other than the contents elements previously provided to the user (column 14, lines 1-7).

As per claim 16, Liongosari necessarily implies that the contents elements are stored in association with a creating date, and discloses extracting the contents elements based on the creating date (column 23, lines 58-67).

As per claim 18, Liongosari discloses acquiring specification information representing contents elements to be included in the contents that are restructured by the contents restructuring unit from the user, wherein the contents extracting unit

extracts the contents elements specified by the specification information acquired

(column 13, line 65, through column 14, line 25).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Liongosari and Gutierrez as applied to claim 3 above, and further in view of Uesaka

(U.S. Patent Application Publication 2003/0033304). Liongosari does not disclose that

the contents storage unit stores the contents elements in association with a level of

importance of the contents elements, and the contents extracting unit extracts the

contents elements based on the level of importance, but Uesaka teaches storing

contents elements in accordance with a level of importance, and extracting the contents

elements based on the level of importance (paragraphs 10 and 42). Hence, it would

have been obvious to one of ordinary skill in the art of electronic commerce at the time

of applicant's invention to thus store and extract content elements, for the obvious and

implied advantage of preferentially presenting important information to users.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Liongosari and Gutierrez as applied to claim 3 above, and further in view of Nishino et

al. (U.S. Patent Application Publication 2003/0033333). Liongosari does not disclose

that the contents storage unit stores the contents elements in association with a level of

popularity of the contents, and the contents extracting unit extracts the contents

elements based on the level of popularity, but Nishino teaches storing contents

elements in accordance with a level of popularity, and extracting the contents elements

based on the level of popularity (paragraphs 9, 102, 103, 105, and 107). Hence, it

would have been obvious to one of ordinary skill in the art of electronic commerce at the

time of applicant's invention to thus store and extract content elements, for the stated

advantage of gathering documents on hot topics (paragraphs 4-6 and 9-11).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Liongosari and Gutierrez as applied to claim 9 above, and further in view of the

anonymous article, "Tcert Unveils Edapt; e-Learning Platform with a Brain," hereinafter

"Tcert." Liongosari does not disclose extracting the contents elements based on a

learning level of the user corresponding to the user identification information, but "Tcert"

teaches transforming contents elements related to learning into a course optimized for a

student's level of learning (entire article, especially the paragraph beginning, "The

Edapt™ system transforms"), implying extracting contents based on the learning level of

the user so as to transform them appropriately. Hence, it would have been obvious to

one of ordinary skill in the art of electronic commerce at the time of applicant's invention

to extract the contents elements based on a learning level of the user corresponding to

the user identification information, to achieve the stated advantage of individualizing

courses.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Liongosari, Gutierrez, and "Tcert" as applied to claim 10 above, and further in view of

official notice. Liongosari discloses updating contents and monitoring sources for

updates (column 13, line 65, through column 14, line 7), but does not disclose storing

the contents elements in association with an updating date of the contents elements,

and extracting the contents based on the updating date. However, official notice is

taken that it is well known to store the updating dates of content elements, and extract

contents elements (e.g., files in a database) based on their updating dates. (One might

be interested in recent advances, as in Liongosari [column 23, lines 58-67], or in the

most recent version of a file, or, for patent purposes, versions showing an element to

have been known or disclosed before a given date.) Liongosari does not expressly

disclose a providing date as such, but Liongosari's disclosure of monitoring for updates

and generating notices of updates implies extracting elements based on providing

dates, without which it would not be known whether updates were new to the user or

not. Hence, it would have been obvious to one of ordinary skill in the art of electronic

commerce at the time of applicant's invention to store the updating dates of contents,

and extract the contents based on the updating date and a providing date when

contents had been previously provided, for the obvious advantage of achieving one or

more of the purposes mentioned.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Liongosari and Gutierrez as applied to claim 12 above, and further in view of Ariyoshi

(U.S. Patent 6,408,288). Liongosari discloses providing the contents to the user

(column 14, lines 8-14; column 16, line 11, through column 17, line 2; etc.). Liongasari

does not disclose an evaluation acquiring unit that acquires an evaluation of the

contents elements from the user who used the contents, and an updating unit that

updates contents element relevant information that is related with the contents elements

based on the evaluations acquired, but it is well known to acquire user evaluations of

content elements and update contents element relevant information based on the

evaluations acquired, as taught, for example, by Ariyoshi (column 6, line 65, through

column 7, line 19; column 8, line 66, through column 9, line 6; column 10, lines 1-20;

column 12, lines 31-42). Hence, it would have been obvious to one of ordinary skill in

the art of electronic commerce at the time of applicant's invention to acquire evaluations

of contents, and contents element relevant information based on the evaluations

acquired, for the stated advantage of presenting more relevant information to users in

future.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Liongosari and Gutierrez as applied to claim 9 above, and further in view of official

notice. Liongosari does not disclose a storing unit that stores the user identification

information and the user relevant information corresponding to each other, but official

notice is taken that it is well known for storage units to store identification information

and relevant information about the persons identified corresponding to each other.

Hence, it would have been obvious to one of ordinary skill in the art of electronic

commerce at the time of applicant's invention to have such a storage unit, for the

obvious advantage of readily accomplishing Liongosari's disclosed feature of

transmitting desired information to the users who have requested updates of that

information.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Liongosari and Gutierrez as applied to claim 3 above, and further in view of official

notice. Liongosari discloses updating contents (column 13, line 65, through column 14,

line 7), but does not disclose storing the contents elements in association with an

updating date of the contents elements, and extracting the contents based on the

updating date. However, official notice is taken that it is well known to store the

updating dates of content elements, and extract contents elements (e.g., files in a

database) based on their updating dates. (One might be interested in recent advances,

as in Liongosari [column 23, lines 58-67], or in the most recent version of a file, or, for

patent purposes, versions showing an element to have been known or disclosed before

a given date.) Hence, it would have been obvious to one of ordinary skill in the art of

electronic commerce at the time of applicant's invention to store the updating dates of

contents, and extract the contents based on the updating date, for the obvious

advantage of achieving one or more of the purposes mentioned.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Liongosari and Gutierrez as applied to claim 3 above, and further in view of Yoneda

(U.S. Patent Application Publication 2006/0031629). Liongosari does not disclose that

the contents storage unit stores the contents elements in association with a playing time

of the contents elements, and the contents element extracting unit extracts the contents

elements based on the playing time and a total playing time of the contents to be

structured, but Yoneda teaches that contents elements include at least one of moving

image data and sound data, the contents elements are stored in association with a

playing time of the contents elements, and the contents elements are extracted based

on the playing time and a total playing time (Abstract; paragraphs 8-19). Hence, it

would have been obvious to one of ordinary skill in the art of electronic commerce at the

time of applicant's invention for the contents elements to be stored and extracted thus,

for the implied and obvious advantage of assuring that content elements being added to

a restructured collection of content elements are compatible with the total playing time available.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liongosari and Gutierrez as applied to claim 1 above, and further in view of official notice. Liongosari does not expressly disclose that the contents restructuring unit restructures the contents elements based on a predetermined structuring order, but official notice is taken that it is well known to structure elements based on a predetermined structuring order (alphabetical order, chronological order, the hierarchy of a tree structure, basic lessons before advanced lessons, etc.). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to restructure the contents elements based on a predetermined structuring order, for at least the obvious advantage of making the elements readily accessible and usable.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liongosari and Gutierrez as applied to claim 1 above, and further in view of the anonymous article, "Tcert Unveils Edapt; e-Learning Platform with a Brain," hereinafter "Tcert." Liongosari does not disclose that the contents elements represent contents related to learning, and when the contents elements are corresponding to a level of the learning, the contents restructuring unit restructures the contents elements based on the level of the learning, but "Tcert" teaches transforming contents related to learning into a course optimized for a student's level of learning (entire article, especially the paragraph beginning, "The Edapt™ system transforms"). Hence, it would have been obvious to

one of ordinary skill in the art of electronic commerce at the time of applicant's invention

for the contents elements represent contents related to learning, and when the contents

elements are corresponding to a level of the learning, to have the contents restructuring

unit restructure the contents elements based on the level of the learning, for the stated

advantage of producing a personal tutorial optimized for each student's learning style

and expertise level.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Liongosari and Gutierrez as applied to claim 1 above, and further in view of Grzesczuk

et al. (U.S. Patent 6,677,957). Liongosari does not disclose a similarity determining unit

that determines similarity between the contents elements, wherein upon determination

that two predetermined contents elements are similar, the contents restructuring unit

includes only one of the two contents elements in the new contents. However, it is well

known to determine the similarity of potential content elements, and include only one of

two sufficiently similar elements, as taught, for example, by Grzesczuk (column 4, lines

14-33). Hence, it would have been obvious to one of ordinary skill in the art of

electronic commerce at the time of applicant's invention to include a similarity

determining unit, as recited, for the stated advantage of reducing the needed memory or

bandwidth, and the obvious advantage of not taking up users' time with redundant

content.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Liongosari and Gutierrez as applied to claim 1 above, and further in view of official

notice. Liongosari does not disclose an accounting unit that collects billing information

when the contents elements included in the new contents are related with the billing information, but official notice is taken that it is well known to have accounting units collect billing information. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have such an accounting unit collecting billing information, for such obvious advantages as charging users in accordance with their usage of content and/or extracting and restructuring services, and paying royalties to content providers.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liongosari and Gutierrez as applied to claim 1 above, and further in view of Moskowitz et al. (U.S. Patent Application Publication 2003/0041064). Liongosari discloses meta contents description information related with the content elements, and inter-contents information representing relations between the contents elements (column 12, line 42, through column 13, line 18; column 16, line 11, through column 17, line 2). Liongosari does not disclose that the contents include lecture contents having at least one of moving image data, sound data, and still image data, but lecture contents having at least some of these kinds of data are well known, as taught, for example, by Moskowitz (Abstract; paragraphs 18, 19, and 43). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have such lecture data, for the obvious and implied advantage of aiding users in distance learning.

Claims 24, 25, and 26

Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Liongosari (U.S. Patent 6,957,205) in view of Gutierrez et al. (U.S. Patent

Application Publication 2003/0046276). As per claim 24, Liongosari discloses a

contents management system comprising: a contents management apparatus that

manages contents including a plurality of contents elements representing information to

be provided to a user; and a contents providing apparatus that provides the contents to

the user, wherein the contents providing apparatus includes: a contents request

acquiring unit that acquires contents request information from the user (column 13, line

65, through column 14, line 14); a contents element extracting unit that extracts the

contents elements (column 12, lines 6-15; column 14, lines 26-37); a contents

restructuring unit that restructures new contents from the contents elements extracted

(column 12, lines 6-15; column 14, lines 26-37); and a contents providing unit that

provides the new contents to the user (Figures 2, 3, and 5; column 11, lines 36-44;

column 11, line 56, through column 12, line 24; column 12, line 42, through column 13,

line 7; column 13, lines 26-40; column 14, lines 10-14). Liongosari further discloses that

the contents management apparatus includes a contents storage unit that stores a

plurality of contents from which the contents extracting unit of the contents providing

apparatus extracts the contents elements (Figures 2 and 3; column 11, line 56, through

column 12, line 24); and that the contents management apparatus and the contents

providing apparatus communicate with each other via a network (Figures 2 and 3;

column 11, line 56, through column 12, line 24). Liongosari does not disclose that the

contents element extracting unit extracts the contents elements when the contents

request information is acquired, but it is well known to extract content based on contents

request information in response to acquiring contents request information, as taught, for

example, by Gutierrez (Abstract and paragraph [0018]). Hence, it would have been

obvious to one of ordinary skill in the art of electronic commerce at the time of

applicant's invention to extract the contents based on the request, for the obvious

advantage, as in Gutierrez, of extracting the contents information in which a user is

interested.

As per claim 25, Liongosari discloses that the contents providing apparatus

further includes a user information storage unit that stores user relevant information

about the user to whom the contents are provided, and that the contents element

extracting unit extracts the contents elements based on the user relevant information

stored in the user information storage unit (inherent from column 14, lines 8-14; column

15, lines 19-46).

Claim 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Liongosari (U.S. Patent 6,957,205) in view of Gutierrez et al. (U.S. Patent Application

Publication 2003/0046276). Claim 26 is essentially equivalent to claim 24 with claim 25

incorporated into it, and therefore rejected on the grounds set forth above for claims 24

and 25. Claim 26 additionally recites an output unit that outputs the contents acquired

from the contents providing apparatus via a network, which Liongosari discloses

(Figures 2, 3, and 5; column 11, lines 36-44; column 11, line 56, through column 12, line

24; column 12, line 42, through column 13, line 7; column 13, lines 26-40; column 14,

lines 10-14).

Claim 30

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Liongosari (U.S. Patent 6,957,205) in view of Moskowitz et al. (U.S. Patent Application

Publication 2003/0041064). Liongosari discloses meta contents description information

related with to the data, corresponding to at least one of the contents data and the

contents element data, and inter-data information representing relations between the

contents data, between the contents elements data, and between the contents data and

the contents element data (column 12, line 42, through column 13, line 18; column 16,

line 11, through column 17, line 2). Liongosari does not disclose that the contents

include lecture contents having at least one of moving image data, sound data, and still

image data, but lecture contents having at least some of these kinds of data are well

known, as taught, for example, by Moskowitz (Abstract; paragraphs 18, 19, and 43).

Hence, it would have been obvious to one of ordinary skill in the art of electronic

commerce at the time of applicant's invention to have such lecture data, for the obvious

and implied advantage of aiding users in distance learning.

Allowable Subject Matter

Claim 8 is objected to as being dependent upon a rejected base claim, but would

be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims, and also corrected to overcome the objections made

for minor informalities.

The following is a statement of reasons for the indication of allowable subject

matter: The closest prior art of record, Liongosari (U.S. Patent 6,957,205), discloses

most elements of claim 1, the remainder being obvious in view of Gutierrez et al. (U.S.

Patent Application Publication 2003/0046276), as set forth above. However, neither

Liongosari nor Gutierrez discloses that the contents elements include information on

lecturers, the contents storage unit stores the contents elements in association with

popularity of the lecturers, and the contents extracting unit extracts the contents

elements based on the popularity. It is known for information on the popularity of

lecturers to be stored, and for students and other people to make decisions on the basis

of this popularity information, as taught, for example, in Vissering ("San Diego State U.:

Rating Sites Give Professor Previews"), but this is not a contents management

apparatus, extracting contents based on the popularity. Ariyoshi (U.S. Patent

6,408,288) discloses user evaluations of content materials, but not lecturers. No prior

art of record discloses or reasonably suggests that the contents storage unit stores the

contents elements in association with popularity of the lecturers, and the contents

extracting unit extracts the contents elements based on the popularity.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Tomoda et al. (U.S. Patent 5,008,875) disclose an optical disc

reproducing apparatus having display indicating program status, and disclose

comparing the playing time of content elements to the total playing time available

(Abstract; column 3, line 37, through 4, line 18). Kiuchi et al. (U.S. Patent 5,765,167)

disclose a data file update processing apparatus. Namma et al. (U.S. Patent 6,182,116)

disclose a virtual www server for enabling a single display screen of a browser to be

utilized to concurrently display data of a plurality of files obtained from respective

servers, and to send commands to these servers. Pocock (U.S. Patent 6,465,505)

disclose an education system and method for home schoolers and the like. Hashimoto

et al. (U.S. Patent 6,954,611) disclose a method of and apparatus for the generation

and presentation of program-related contents. Hashimoto et al. (U.S. Patent 7,035,868)

disclose a method and system for dynamically generating a digest from event footage

and associated metadata.

Jasinschi (U.S. Patent Application Publication 2003/0105880) discloses

distributed processing, storage, and transmission of multimedia information. Probert

(U.S. Patent Application Publication 2003/0220810) discloses a registry for

management of intellectual property rights, properties, and constraints. Draper et al.

(U.S. Patent Application Publication 2004/0002039) disclose course content

development for business driven learning solutions. Itzhak et al. (U.S. Patent

Application Publication 2004/0181525) disclose a system and method for automated

mapping of keywords and key phrases to documents.

Toki (Japanese Patent Application Publication 2001-265207), made of record by

Applicant in the IDS of August 2, 2004, is the most relevant foreign patent document of

record.

Daywitt et al. ("Channel Computing Offers SQL Server Interface for Forest &

Trees, Signs VAR") disclose software that extracts data from multiple data sources to

be restructured. Sato et al. ("Group Learning Using Dynamic Editable Virtual Space,"

Abstract only) disclose a collaborative learning navigation system. The anonymous article, "Edapt or Die: How Tcert's Technology Is Transforming Training into a Competitive Advantage," discloses Edapt's transforming course content into a personalized tutorial. The anonymous article, "WordWave Extends Partnership with Convera for Video Indexing Service; Joint Sales, Marketing and Referral Agreements to Add Reach to WordWave's Searchable Streaming Media Initiative," discloses captioning streaming media and making it easily searchable. The anonymous article, "Lightspeed Introduces New Xml-Based E-Learning Application and Content Delivery Solution," discloses enabling courses to be dynamically assembled in a personalized manner. Iribe et al. ("Proposal of Related Information Providing System on Distributed VOD," Abstract only), disclose extracting video data by keyword. Vissering ("San Diego State U.: Rating Sites Give Professor Previews") discloses a site with popularity ratings of lecturers. (The Vissering article was apparently published thirty-seven days too late to qualify as prior art, but it is used to illustrate a point in finding a claim potentially allowable, rather than being relied upon to make a rejection.)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith, can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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February 23, 2007